

REMARKS

By this Preliminary Amendment, the Specification has been amended to provide information concerning the earlier filed applications from which the present application is a Divisional. Additionally, new Claims 8-17 have been presented for consideration on the merits, and original Claims 1-7 have been canceled. To expedite the prosecution of the application, the following is noted:

(1) The effective filing date of this application is August 19, 2002;

(2) This application is subject to the Petition to Make Special filed in application Serial No. 10/223,141, based upon the Declaration of co-inventor, Erol Celikoglu, dated August 16, 2002, declaring his age, at that time, to be 69 years. That Petition was granted by the U.S. Patent and Trademark Office in the Decision on Petition dated November 6, 2002;

(3) In anticipation that the Primary Examiner would reject one or more of Claims 8-17 under the judicially created doctrine of obviousness-type double patenting, based upon the claims patented in U.S. Patent No. 6,589,261, attached hereto is the appropriate executed Terminal Disclaimer accompanied by the required fee.

Also attached hereto is an executed Assignment accompanied by the recordation fee assigning the invention to Vi+alCare Group, Inc. As such, with the recordation of this Assignment, the present

application is commonly owned by the same assignee as is the case in U.S. Patent No. 6,589,261.

An early Office Action on the merits of this application is respectfully solicited.

Respectfully submitted,

H. JAY SPIEGEL & ASSOCIATES



H. Jay Spiegel
Attorney for Applicants
Registration No. 30,722

H. JAY SPIEGEL & ASSOCIATES
P.O. Box 444
Mount Vernon, Virginia 22121
(703) 619-0101